

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

JUDY A. FOSTER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	No.:3-11-1216
SPRING MEADOWS HEALTH	)	
CARE CENTER LLC,	)	Judge ASPEN
	)	
Defendant.	)	JURY DEMANDED
	)	

**DEFENDANT’S PROPOSED VOIR DIRE**

SPRING MEADOWS HEALTH CARE CENTER, LLC, defendant in this action, submits this list of proposed questions pursuant to Rule 47(a) of the Federal Rules of Civil Procedure and the Court's Pretrial Order of February 7, 2013. (D.E. 40). SPRING MEADOWS requests that the court pose these questions to prospective jurors in addition to the proposed voir dire set out by the court.

1. Please state where and in what capacities you and all the members of your household are employed.
2. Have you ever served on a jury before? If so, please identify the location and nature of the case or cases on which you served.
3. Have you, or has any member of your household, ever been a party to a lawsuit? If so, please explain.
4. If plaintiff does not meet her burden of proof as to her claims of discrimination, would you be able to deny her compensation?

5. Are you familiar with any of the attorneys or their law firms? If so, what are the circumstances?
6. Have you, or has any member of your household, ever been employed in any capacity by a nursing home? If so, please describe.
7. Have you, or has any member of your family, ever been the victim of discrimination or retaliation in your opinion? If so, please provide details.
8. Have you, or any member of your immediate family, ever worked for or been employed by Spring Meadows or Green Meadows Nursing homes? If so, identify who has worked for either or been so employed, state their relationship to you, indicate the nature of the work or employment, and give the approximate time frame of that employment.
9. Have you, or any member of your immediate family, ever been employed or involved with healthcare in any nursing home? If so, identify the person(s) so employed, their relationship to you, identify the employer, describe the nature of the person's job, and tell us the approximate time period when each such person was so employed.
10. Have you, or any member of your immediate family, ever had any problem or difficulty with any nursing home? If so, kindly identify the person(s) who had the problem or difficulty, their relationship to you, the nature of the difficulty and the nursing home with which they had the experience.
11. Have you, or any of your immediate family, ever sued for a claimed violation of civil rights? If so, identify the person who was sued, their relationship to you, what the nature of the claim was in that lawsuit, and whether that litigation would in any way affect your ability to fairly determine the facts in this case.

12. Have you, or anyone you know, ever been discriminated against because of race or age?  
If so, who, and what were the circumstances?
13. Have you, or anyone you know, ever faced hostility in the workplace because of your race or age? If so, who, and what were the circumstances?
14. Have you, or anyone you know, ever had to fire someone from a job or force someone to resign from a job? If so, who, and what were the circumstances?
15. Have you ever felt that you were treated poorly by an employer? If so, please explain the circumstances.
16. Have you, or anyone you know, ever been terminated from employment or forced to resign from employment? If so, what were the circumstances?
17. Have you, or anyone you know, ever been terminated from employment as a result of alleged misconduct? If so, who, and what were the circumstances?
18. Do you currently have any friends, family members or loved ones in a nursing home?
19. Have you had any close friend, family member or loved one that resided in a nursing home?
20. Have you had any close friend, family member or loved one suffer any injury while residing in a nursing home?
21. Do you have any opinions about nursing homes in general and how they are run? If so, what are your opinions?
22. Has any experience you have had with regard to a nursing home been of such a nature that you feel you could not be fair and impartial in deciding this case?
23. Is there anyone here who is already biased against Spring Meadows or who “would not side with” Spring Meadows or its administrators in general?

24. This is a case in which a citizen has sued Spring Meadows Health Care Center, LLC, alleging discrimination. Would anyone here have any difficulty being completely fair and impartial in such a case? Does anyone have some information related to this question that they would like to share outside the presence of the other jurors?
25. The Court will likely instruct you that the Plaintiff must prove her case by the preponderance of the evidence. In order to do this, the Plaintiff must convince you that the allegation is more likely true than not true. Would you have a problem holding the Plaintiff to this standard?
26. Spring Meadows will not be held to a preponderance of the evidence standard in attempting to refute the Plaintiff's allegations. Do you think that Spring Meadows should be held to this standard?
27. You will hear testimony concerning Spring Meadows's given basis for terminating the Plaintiff's employment. One question will be whether or not the Plaintiff had permission to leave work on Sunday morning, October 25, 2009. The Court will likely instruct you that an employer has articulated a legitimate non-discriminatory reason for its adverse employment action where the employer had an honest, good faith belief or reasonably relied upon particular facts in making its adverse action, even if it turns out that the employer was mistaken in that belief. Do you think that an employer should be held liable for making a mistake, even if it had an honest, good faith belief in its basis for terminating an employee? If so, would you be able to set this feeling aside if the Court instructs you that such a belief is sufficient under the law?
28. During the trial, there are rules which govern how a witness should answer a question. If an attorney feels the witness is breaking one of those rules, the attorney has a duty to

object. How are you going to feel if an attorney has to object often while one or more witnesses is testifying? Will this offend you?

29. Do any of you know the following persons:

- a) Keith Smith;
- b) Tammy Miller;
- c) Michelle Crowe;
- d) Susan Brown;
- e) Linda Adcock;
- f) Patricia Lambert;
- g) Jacqueline Adams
- h) Barbie Henderson;
- i) Yolandus Mason;
- j) Jeanete Lindsey;
- k) Tamika White;
- l) Stephanie Stone;
- m) Stephanie Hill;
- n) Romonia Cobb;
- o) Crystal Pent;

30. Can you think of any reason why you cannot serve as a juror on this case?

Respectfully submitted,

BATSON NOLAN PLC

By: /s/ Kathryn W. Olita  
Kathryn W. Olita, BPR No. 023075  
Erik Fuqua, BPR No. 029972  
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Clarksville, Tennessee 37040  
(931) 647-1501

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been delivered to the following persons via the Court's electronic filing system or other appropriate means:

Debra A. Wall  
133 Franklin Street  
Clarksville, TN 37040  
*Attorney for Plaintiff*

and

Marvin E. Aspen  
United States District Court Judge  
219 South Dearborn Street  
Chicago, IL 60604  
Telecopier: 312-554-8515

on this 5<sup>th</sup> day of April, 2013.

BATSON NOLAN

By: /s/ Kathryn W. Olita